

REMARKS

Claims 1-52 were present in the application. Claims 4, 7, 14, 42 and 47 have been canceled. Claims 2, 8, 12, 13, 22, 30, 49, 50 and 51 have been amended. No claims have been added. Thus claims 1-3, 5, 6, 8-13, 15-41, 43-46 and 48-52 remain subject to continued examination. Each of these claims is believed to be in condition for allowance. Accordingly, an action to that effect is requested at this time.

OBJECTION TO THE SPECIFICATION:

The written disclosure has been objected to the use of various trademarks without appropriate capitalization. The replacement paragraphs set forth in the amendment to the specification are believed to address these objections. No new matter has been added. Accordingly, Applicants respectfully submit that the outstanding rejection should be withdrawn.

FORMAL REJECTIONS:

Claim 4 stands rejected under 35 U.S.C. 112 second paragraph as being indefinite. The subject claim has been cancelled thereby obviating any continued rejection.

ART REJECTIONS:

Claims 1-29 and 42-52 stand rejected under 35 U.S.C. 102(b) or under 35 U.S.C. 103(a) as being anticipated by or obvious over U.S. patent 6,239,046 to Veiga et al. Continued rejection on the basis of Veiga et al. is respectfully traversed on the grounds that the cited reference does not satisfy the rigorous standard necessary to support an anticipation rejection and does not teach or suggest all claim limitations as required to support a *prima facie* case of obviousness.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. A *prima facie* case of obviousness is established only if every element is taught or suggested. It is respectfully submitted that these standards are not satisfied by Veiga et al. with respect to the claims subject to the outstanding anticipation and obviousness rejections.

As regards claim 1 and all claims depending therefrom, as best understood, the Office Action seems to rely upon a presumption that the recited puncture resistance characteristics recited in terms of ASTM measurements are inherent in Veiga et al. or that such claimed properties would have been obvious based on Veiga et al.. However, the assertion of inherency and obviousness is contradicted by the Examples in the application itself. In this regard the Examiner is referred to Table II B at page 61 of the specification which indicates that the coated single fabric layers such as taught by Veiga et al. did not meet the recited standards.

Applicants wish to point out that MPEP section 2112 states clearly that the fact that a certain characteristic may be present in the prior art is not sufficient to establish the inherency of that characteristic. Rather, inherency can only be supported if the examiner can provide a basis in fact and/or technical reasoning to support the position that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art. *Ex parte Levy*, 17 USPQ2d 1461, 1464. In the present case the data indicate that the claimed characteristics are not necessarily present. Thus, the assertion of inherency as set forth in the Office Action appears to be without adequate support. Even an obviousness rejection requires that all claim features must be taught or suggested. Since the data indicates that the structures of the primary reference would not meet the required standards it is respectfully submitted that there is no basis for a conclusion of obviousness absent reliance on the teachings of the present application. Accordingly, Applicants respectfully submit that all rejections directed to claim 1 and the claims depending therefrom should be withdrawn.

As regards claims 2, 8 and 22 (and all claims depending therefrom), Applicants point out that the claims as now written call for a preformed film layer. As will be appreciated, this is distinguishable from a coated layer such as taught in Veiga et al.. Accordingly, since this feature is not taught or suggested by the cited reference it is submitted that all outstanding rejections directed to these claims and the claims depending therefrom should be withdrawn.

As regards claim 3 and the claims depending therefrom, the Office Action appears to have ignored the requirement that the airbag fabric must have a woven or knit fabric laminated to the exterior surface. The fabric structure in the cited reference to Veiga et al. does not disclose any additional fabric laminated to the exterior of the airbag fabric. Since all elements of the claim must be taught or suggested, it is respectfully submitted that the cited art does not establish an appropriate basis for continued rejection and that claim 3 and all claims depending therefrom thus stand in condition for allowance.

As regards independent claims 5 and 6 and the claims depending therefrom, the Office Action appears to have ignored the requirement that the airbag fabric comprises at least two layers of fabric. This may be contrasted with the fabric structures which form the panels in the cited reference to Veiga et al.. In Veiga et al. the panel material uses only a single fabric layer (10). The air bag itself is formed by sealing two panels of coated material around their perimeters so that gas can be introduced between the panels but the panels on either side of the bag each have only a single layer of fabric in the composite. Accordingly, it is respectfully submitted that the cited art does not establish the requisite basis for continued rejection of claims 5 and 6 or any claim depending therefrom.

As regards independent claim 43, Applicants can find no teachings within the cited art advocating a bag with puncture resistance below the recited level on one side and above the recited level on the other side. Moreover, as pointed out above with

respect to claim 1, such characteristics are not necessarily inherent. Accordingly, it is submitted that there is no pending proper basis for rejection and that the claim is thus in condition for allowance.

As regards independent claim 44, in addition to the lack of inherency regarding the claimed puncture characteristics, the Office Action appears to have ignored the specific recitals regarding an arrangement of inner fabric layer, intermediate coating, primer or adhesive layer and outer film or fabric layer. Accordingly, it is submitted that there is no pending proper basis for rejection. Thus, claim 44 and all claims depending therefrom appear to be in condition for allowance.

As regards independent claim 52, Applicants can find no teaching in the cited art of the features recited in the claim. In particular, the references cited do not appear to teach or suggest an airbag cushion with different characteristics on opposing sides. Thus, claim 52 appears to be in condition for allowance.

Claims 30-41 stand rejected as being obvious over Veiga et al. in view of U.S. Patent 6,220,309 to Sollars et al.. Continued rejection is respectfully traversed on the grounds that each of these claims depends from claims which contain features not taught or suggested by the cited art. Thus, claims 30-41 appear to be in condition for allowance.

CONCLUSION:

On the grounds as set forth above, Applicants respectfully request that all remaining claims be passed to issue. While an attempt has been made to address all outstanding issues, to any extent that one or more issues remain, the undersigned respectfully requests a telephone conference to resolve such issues.

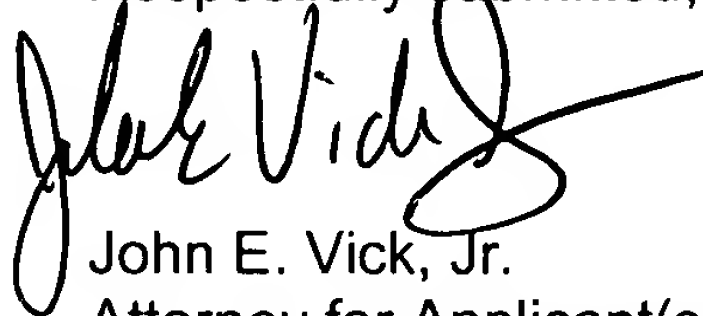
EXTENSION OF TIME / FEE AUTHORIZATION:

While this amendment is believed to be timely, to any extent required a petition for an extension of time is hereby made.

Please charge any fees or credit any overpayment in connection with this Amendment (including any extension of time fee) to Deposit Account 04-0500.

January 5, 2004

Respectfully submitted,



John E. Vick, Jr.

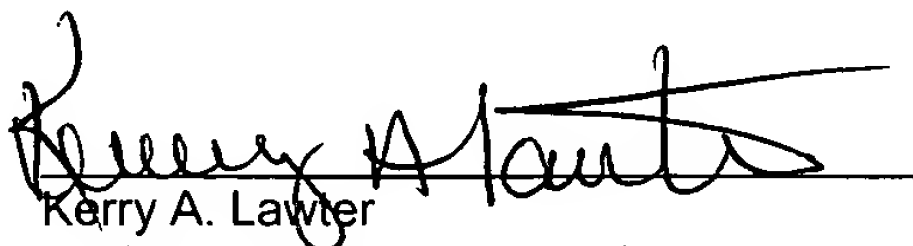
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being transmitted to The United States Patent and Trademark Office by US mail on January 5, 2004.



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